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Report of the Secretary-General on the situation in Liberia, pursuant to the letter dated 29 November 2002 (S/2002/1305) from the President of the Security Council

I. Introduction

1. By a letter dated 29 November 2002 from the President of the Security Council to the Secretary-General (S/2002/1305), the Council called for a report every three months, covering the following topics: (a) the overall situation in Liberia; (b) the preparations, conditions and readiness for free and fair elections; and (c) the human rights situation. The present report, the second in the series, is submitted pursuant to that request.

II. Political and security situation

2. The period under review has continued to be dominated mainly by the insurgency mounted by the Liberians United for Reconciliation and Democracy (LURD). Having apparently consolidated its grip on main areas in Lofa County, LURD has reportedly captured other localities, including Tubmanburg, Zwedru and Greenville. On the night between 30 and 31 March 2003, LURD forces seriously engaged government troops in the commercial town of Ganta, Nimba County, where fighting was said to be continuing in early May. Meanwhile, the city of Klay, a major intersection about 60 kilometres west of the capital, Monrovia, was also attacked. On 13 April 2003, LURD forces reportedly attacked internally displaced persons' camps in Jah Tonda, Brewerville, a locality situated 5 kilometres outside Monrovia. This has forced people living in the camps as well as local residents to seek refuge in the already overcrowded capital. In early May, the Government's troops launched an offensive in its bid to retake positions lost to the rebels, including Voinjama, the LURD stronghold since 2001. At the same time, government troops reportedly managed to encircle rebel fighters in Tubmanburg, Ganta and Zwedru.

3. Another dissident movement, known as the Movement for Democracy in Liberia (MODEL), has surfaced in the south-eastern region of Liberia. MODEL was described by one of the LURD leaders, Joe Willie, in an interview on 9 April with the BBC radio "as an integrated force ..." of LURD. According to reports by local newspapers, MODEL appears to be the result of the breaking apart of LURD. However, this new group is reported to have gained ground in the south-eastern

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counties, namely, Grand Gedeh, Sinoe and Grand Kru. Its main target seems to be the port of Buchanan in Grand Bassa County, from where the Government of Liberia is exporting the country's major produce, timber. On 27 April, fighters belonging to MODEL engaged in a major battle to take the town of Greenville, the main port of south-eastern Liberia, where several logging companies have based their operations. The rebels also attacked government troops on the road between the towns of Tappita and Gborlor-Diallah close to the Ivorian border. At the time of submission of this report, fighting is said to be ongoing around Greenville as government troops attempt to recapture the strategic town. Several logging companies have closed down their operations in Sinoe County as a result of the fighting, while ships were diverted from Greenville port to the port of Monrovia.

4. It is in these dire circumstances that the Co-Chairmen of the International Contact Group on Liberia (ICGL), Nana Akufo-Addo, Minister for Foreign Affairs of Ghana, representing the Chairman of the Economic Community of West African States (ECOWAS), President J. A. Kufuor of Ghana, and Hans Dahlgren, State Secretary for Foreign Affairs of Sweden and European Union Special Representative to the Mano River Union countries, paid a two-day working visit to Guinea, Sierra Leone and Liberia on 14 and 15 April 2003, accompanied by officials of the African Union and the ECOWAS secretariat. The visit helped to revitalize the Liberian peace process by highlighting the international community's recommitment to the search for a negotiated end to the conflict. During this visit, President Charles Taylor expressed the readiness of his Government to negotiate unconditionally in an effort to reach an early ceasefire. On 7 April, the former Nigerian Head of State, General Abdulsalami Abubakar, was designated by ECOWAS as mediator for the Liberian peace process. The LURD movement had previously accepted the idea of negotiations that would include other stakeholders.

5. On 10 April, the Government of Liberia formally invited the Secretary-General to dispatch a joint United Nations/African Union/ECOWAS needs assessment mission to evaluate the conditions for free and fair elections in Liberia in accordance with the recommendation of ICGL on 28 February. President Taylor, in that letter, also expressed his readiness to hold direct talks with LURD, to be followed by the disarmament of all combatants, including the Anti-Terrorist Unit and government militias. He added that his Government was prepared to send a delegation as soon as the mediator named a date and known venue. On the modus operandi of the actual talks, President Taylor envisaged that the direct talks with LURD would also include ICGL. The broader meeting, in his view, would be restricted to the registered political parties, the Government of Liberia and LURD, with civil society groups participating as observers.

III. Preparations, conditions and readiness for free and fair elections

6. Liberia's Elections Commission has meanwhile continued with preparations for the holding of the general and presidential elections scheduled for October 2003. At the same time, there is a growing sentiment within Liberian society that conditions for free, fair and credible elections currently do not exist, absent a ceasefire and a stabilization force.

7. Apart from the fact that fighting is ongoing in 10 of the country's 15 counties, several issues remain to be resolved to ensure a level playing field in the electoral process, including logistical and financial obstacles and the need for the Elections Commission to be more neutral and inclusive. The expansion of the Commission from five to seven members has been deemed by a group of five opposition parties to be insufficient. The 10-year residency clause imposed upon presidential candidates has provoked much divisive debate among Liberians and would also need to be addressed. Equally important are the issues of voter registration, the delimitation of constituencies and basic civic education.

8. Beyond these policy concerns, the Elections Commission lacks funds to discharge its duties effectively and efficiently. Of the US$ 8.3 million approved by the Government to fund the electoral process, only US$ 590,000 has been made available by the Government of Liberia. In consequence, the Chairman of the Commission had to agree recently to the postponement, to an unspecified date, of the voters' registration exercise that was to have started on 15 April. The staff of the Commission has also been unable to deploy to various constituencies to cover the electoral process nationwide. The Chairman of the Commission recently concluded that without foreign aid, elections as scheduled would be impossible, and the Elections Commission expressed concern over its state of unpreparedness in fulfilling its electoral mandate because of inadequacy of resources.

9. The joint United Nations/African Union/ECOWAS Multidisciplinary Needs Assessment Mission that was dispatched to Liberia at the request of President Charles Taylor visited Monrovia from 4 to 9 May 2003 and determined that the overall political, security, military and humanitarian situation in Liberia was not conducive to the holding of credible elections in October as scheduled under the Constitution. In its final report, the Mission highlighted the requirements that needed to be met before democratic elections could take place, namely: (a) providing a countrywide secure environment that would guarantee free and unhindered movement of persons and goods, in particular humanitarian operations, political campaigning, return and resettlement of refugees and internally displaced persons. Such an environment could be obtained through the conclusion and effective implementation of a ceasefire agreement, the disarmament and demobilization of all warring factions, and the restructuring of the security agencies to form a truly republican apparatus that enjoys the confidence of the civilian population; (b) restructuring of the Elections Commission to ensure independence from the Government and the ruling party; (c) removing all major legal and constitutional impediments to the holding of credible elections; (d) enhancing the operational capabilities of the Elections Commission, including through external technical expertise; and (e) improving communications and interaction between the Elections Commission and political parties, civil society organizations and the media, to ensure better transparency.

10. The third working session of ICGL, held in Brussels on 12 May 2003, agreed on the most immediate steps that needed to be taken to move the ECOWAS-led Liberian peace process forward, namely: (a) the promotion of a comprehensive political framework for the conclusion of any ceasefire agreement between the warring parties; and (b) ensuring adequate preparations for the round-table talks of Liberian parties scheduled to start in Accra on 4 June 2003, with a clear agenda, a specific timetable, details of the military planning for the mobilization and deployment of the proposed ceasefire-monitoring mechanism, and realistic

benchmarks for the attainment of peace and stability in Liberia. To that end, the ECOWAS Mediator held preparatory talks with LURD on 26 May 2003 in Freetown.

IV. Human rights and humanitarian situation

11. The deteriorating security situation in Liberia has worsened the humanitarian conditions in the country. As a result, a joint press release was issued on 8 April 2003 in Monrovia by the Office of the United Nations Resident Coordinator, the United States Embassy and the Office of the European Commission expressing dismay over the inability to provide humanitarian assistance to 11 of Liberia's 15 counties. The release called on the Government of Liberia and the warring factions to participate in the peace process. It also requested that the international community and non-governmental organizations be granted access to safe corridors so that badly needed emergency relief assistance could reach displaced Liberians, Ivorian refugees and third-country nationals who are not cut off from humanitarian aid. Currently, it is estimated that there are 150,000 internally displaced persons.

12. The Office for the Coordination of Humanitarian Affairs in Monrovia stated that fighting in the south-east has further exacerbated the humanitarian situation. As a result of these new developments, the humanitarian agencies cannot access 70 per cent of the country. The south-eastern town of Harper fell to MODEL dissidents on 19 May 2003. At the time of the attack Harper was hosting 1,800 Ivorian refugees and third-country nationals. The whereabouts of these vulnerable groups is unknown. An estimated 10,000 people escaped to Côte d'Ivoire. The rest fled to outlying rural areas. There was also an escalation of armed activity in Ganta with LURD dissidents attempting to dislodge government forces near the border with Guinea.

13. The humanitarian community is concerned that government security forces are increasingly unequipped to offer protection to civilians. Armed militiamen continue to attack and loot the camps. Humanitarian organizations are examining ways to provide assistance to the beneficiaries without making them targets. The prevailing security situation limits the hours humanitarian workers can operate in the camps. During tense periods, safety hours of operation may be limited to two hours per day. There is an urgent need for increased security so that humanitarian workers can safely provide the services required. The humanitarian community has been trying to engage the Government on this issue.

14. The deteriorating security situation has resulted in widespread violations and abuses of international human rights and humanitarian law by all parties. Credible reports of extrajudicial killings, torture, rape, deliberate targeting of civilians, abductions, mutilations, the use of civilians for forced labour, as well as forcible recruitment of children and displaced persons in camps, continue to be received. Following the attacks said to have been carried out by LURD rebels on the Jah Tondo internally displaced persons' camps near Monrovia on 9 April 2003, reports emerged of the amputation of civilians. LURD has denied claims of responsibility for such heinous practices. The United Nations High Commissioner for Human Rights issued a press statement on 24 March 2003, reminding all parties to the conflict to ensure respect for human rights and humanitarian law in areas under their

control and in the conduct of hostilities. Where these abuses and violations occur, parties have an obligation to bring perpetrators to justice.

15. At the time of compiling the present report, Aloysius Toe, the human rights activist detained by the Government of Liberia since November 2002, remains incarcerated with no clear indications as to when his trial will begin. The Commission on Human Rights, at its fifty-ninth session, decided to appoint an independent expert for an initial period of three years to facilitate cooperation between the Government of Liberia and the Office of the United Nations High Commissioner for Human Rights in the area of the promotion and protection of human rights by providing technical assistance and advisory services and to report back to the Commission at its sixtieth session on the human rights situation in Liberia (Commission resolution 2003/82).

V. Observations

16. Clearly the single most burning issue, on which Liberians all agree, is the need for a binding ceasefire to stop the bloodshed and facilitate a peaceful resolution of the conflict in the country. The Government and LURD have now agreed to hold direct talks and both have pledged to cooperate with the ECOWAS Mediator.

17. The Liberian parties have also agreed that, upon the signing of a ceasefire agreement, an international force should be deployed to monitor compliance by the parties. It is understood that the mandate of that force would be defined during the Accra peace talks. Meanwhile, ECOWAS is expected to convene urgently meetings of the Defence and Security Commission and the Chiefs of Defence staff to work on the modalities for the planning, resource mobilization and deployment of the proposed international ceasefire-monitoring mechanism.

18. It is therefore imperative to encourage the warring parties to end the fighting immediately and to give serious thought to the idea of deploying a mechanism to monitor such a ceasefire once it is declared. Furthermore, there is an urgent need to warn the parties to the conflict that violations of human rights and international humanitarian law should stop, failing which, violators would be held accountable for their acts.

19. As to elections, it must be said that the ongoing war, the legal and constitutional impediments, the lack of funds and the absence of structural reforms are hardly conducive to the holding of the planned elections.

20. Liberia remains the epicentre of the continuing endemic instability, which is gravely affecting the political, humanitarian and security landscape not only in the Mano River Union subregion but also throughout much of West Africa. The efforts of ECOWAS and ICGL to help stabilize Liberia are commendable and deserve the sustained support of the Security Council and the international community at large.